



U.S. Department of Justice

United States Attorney
Southern District of New York

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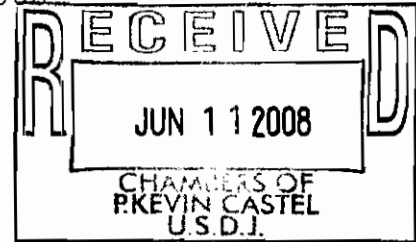
MEMO ENDORSED

86 Chambers Street, 3rd Floor
New York, New York 10007

June 10, 2008

BY HAND

The Honorable P. Kevin Castel
United States District Judge
United States Courthouse
500 Pearl Street, Room 2260
New York, New York 10007-1312



Re: Riverkeeper, et al. v. EPA, 06 Civ. 12987 (PKC)

Dear Judge Castel:

I am the Assistant United States Attorney representing defendant United States Environmental Protection Agency ("EPA") in the above-referenced matter, concerning EPA's Phase III Rule for cooling water intake structures ("CWISS"). As the Court is aware, this action has been stayed pending the resolution of the proceedings in the Fifth Circuit regarding the Phase III Rule.

By letter dated April 18, 2008, we submitted to the Court a copy of EPA's Rule 28(j) letter to the Fifth Circuit regarding the Supreme Court's grant of petitions for certiorari in Entergy Corp. v. EPA, 07-588, 07-589, 07-597. We now write to provide the Court with a copy of the Fifth Circuit's June 4, 2008 Order, placing the Phase III petitions in abeyance pending a decision by the Supreme Court regarding Supreme Court docket numbers 07-588, 07-589, 07-597.

We thank the Court for its consideration of this matter.

Respectfully submitted,

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Enclosure

The above action is placed on the suspension docket pending further action by the Fifth Circuit.

On the procedural issue

SO ORDERED
[Signature]
6-11-08

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